

Application Serial No. 10/658,489
Examiner: Son T. Nguyen
Art Unit: 3643

PATENT
M&G No. 09188.0227US01

Remarks

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 8-10, and 14 have been amended, and are supported, for instance, in Figures 7-8 and Page 9, line 21 to Page 10, line 14. No new matter has been added. Claims 8-10 and 12-14 are pending.

Claims 8-10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (U.S. Patent No. 3,735,738) in view of Newman (U.S. Patent No. 5,435,270) and Kikuta (U.S. Patent No. 5,427,060). Applicant respectfully traverses this rejection to the extent it is maintained.

The present invention of claims 8-10 provides an improved wall mountable aquarium. Claims 8-10 recite an upwardly-open fixing groove formed on an upper surface of the grate, the fixing groove being disposed in front of the pipe. (Figures 7 and 8.) The sheet is located by a bottom edge thereof and inserted in the fixing groove. Thus, the background setting being a sheet extends along a width of the rear wall and in front of the pipe. (Figures 7 and 8.)

A tank is provided where the background setting 2 can be installed in the fixing groove 3 to completely conceal a pipe 12 and conduit 13 that may be located at rear corners of the aquarium. (Page 10, lines 13-14.) The groove provides the tank with a structure so as to allow the background setting/scene to hide accessory parts, and to be smoothly affixed in the tank. In this manner, the aquarium of the present invention allows for a realistic wide-screen picturesque background that improves upon known aquariums having enhanced displays on a back wall. Furthermore, the other member of the accessory can conveniently be removed for cleaning or replacement. (Page 11, lines 3-5, Page 10, lines 23-25, and Figures 1 and 7.)

Lake does not teach or suggest, however, the features of claims 8-10. More particularly, Lake does not disclose the fixing groove structure, as required by claims 8-10. Lake discusses a frame member 4 concealing heating and light structures that are disposed on an outside of a sidewall 88. Lake does not teach, however, an upwardly-open fixing groove formed on an upper surface of the grate, the fixing groove being disposed in front of the pipe. In fact, Lake does not disclose any groove structure on the tank for the purpose of inserting a background setting as a smooth display. Thus, Lake does not disclose the features recited by claims 8-10 and would not enjoy any advantages obtained from the claimed features. For at least these reasons, Lake does not teach or suggest claims 8-10.

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Kikuta and Newman do not provide what is missing from Lake. Particularly, the cited references do not teach or suggest the recited fixing groove as required by claims 8-10. Kikuta is directed to a screen 1 for an aquarium that conceals a pump mechanism water conducting section 4. (Col. 2, lines 41-47 and Figures 1 and 5.) Kikuta does not teach or suggest, however, the fixing groove disposed on the upper surface of the grate and disposed in front of the pipe. In fact, Kikuta does not disclose any groove as required by the claimed invention. Furthermore, Kikuta provides its screen 2 that is self supported inside the tank by its angled wall structure and side panels, however, the screen 2 does not extend the width of the rear wall.

Newman discusses inserting a display behind the tank 3 and within the frame to furnish useful commercial advertisements. (Col. 4, lines 42-46.) Newman does not teach or suggest, however, the fixing groove structure required by claims 8-10. Particularly, Newman does not teach the fixing groove disposed on the upper surface of the grate and disposed in front of the pipe. Newman also does not provide any groove structure as required by the claimed invention. Furthermore, Newman does not disclose its pump tube 21, 25 as being concealed, and does not disclose a display inside the tank to conceal the pump. In fact, Newman's pump tube is exposed and viewable through the front wall 11. (Figure 1.)

Thus, Kikuta and Newman fail to remedy the deficiencies of Lake. For at least these reasons, Applicant respectfully submits that the cited references either alone or in combination, do not teach or suggest the features of claims 8-10 and would not arrive at any advantages enjoyed by the features of said claims. Applicant submits that claims 8-10 and dependent claims therefrom are patentable over the references cited.

Favorable reconsideration and withdrawal of the rejection is respectfully requested.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (cited above) in view of Newman (cited above). Applicant respectfully traverses this rejection to the extent it is maintained.

Lake and Newman have been discussed above and do not teach a fixing groove structure for an aquarium tank. Claim 14 recites an upwardly-open fixing groove formed on an upper surface proximate the bottom wall of the tank. The fixing groove is disposed in front of the pipe, wherein the sheet is located by a bottom edge thereof and inserted in said fixing groove. Thus, the background setting is fixed inside the tank. The background setting extends close to and covers the left and right side walls, turning smoothly round the corners between the walls.

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Similar to claims 8-10, claim 14 provides the tank with a fixing groove structure so as to allow the background setting/scene to hide accessory parts, and to be smoothly affixed in the tank. The aquarium of the claimed invention allows for a realistic wide-screen picturesque background that improves upon known aquariums having enhanced displays on a back wall. The other accessory parts can conveniently be removed for cleaning or replacement. (Page 11, lines 3-5, Page 10, lines 23-25, and Figures 1 and 7.)

Lake, however, does not disclose the features of an aquarium tank with the fixing groove required by claim 14. Particularly, Lake does not teach or suggest an upwardly-open fixing groove formed on an upper surface proximate the bottom wall of the tank. Newman does not provide what is missing from Lake. Thus, Newman fails to remedy the deficiencies of Lake. Accordingly, Applicant submits that for at least these reasons, Lake and Newman either alone or in combination do not teach or suggest the features of claim 14 and would not enjoy the advantages provided by claim 14. Applicant respectfully submits that claim 14 is patentable over Lake and Newman.

Favorable consideration and withdrawal of the rejection are respectfully requested.

With the above amendments and remarks, Applicants believe that the claims now pending are in a condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Respectfully Submitted,

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